

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

Champagne Services, LLC,

Case No. 16-11683-RGM

Debtor.

Chapter 11

Hearing November 29, 2016, at 11:00 am
Courtroom I, 2nd Floor

Motion to Convert or Dismiss Case

Comes Now, Judy A. Robbins, United States Trustee, and moves the Court to dismiss or convert this case to a case under chapter 7 of the Bankruptcy Code.

In support of this motion the following representations are made:

1. This Court has jurisdiction to hear and decide this matter.
2. This is a core proceeding.
3. On October 2, 2016, the Debtor filed a petition for relief under chapter 11 of the Bankruptcy Code.
4. The Debtor is not an individual.
5. The Debtor is not represented by counsel.
6. On October 6, 2016, the Court entered an order denying the Debtor's application to approve the employment of Westlake Legal Group. Docket No. 59.

7. On November 15, 2016, the Debtor withdrew its application to approve the employment of Tyler, Bartl, Ramsdell & Counts, P.L.C. as Debtor's attorney. Docket No. 87.

8. Cause exists to grant the requested relief:

- §1112(b)(4) – The Debtor is not represented by an attorney. A corporation must be represented by an attorney. *In re Tamojira, Inc.* 20 Fed.Appx. 133, 133-134 (4th Cir. 2001), Local Bankruptcy Rule 9010-1.¹
- §1112(b)(4)(I)- failure timely to pay taxes owed after the date of the order for relief or to file tax returns due after the date of the order for relief.

Wherefore, the United States Trustee moves that this case be dismissed or converted.

Judy A. Robbins
United States Trustee

/s/ Jack Frankel
Jack Frankel, Attorney
Office of United States Trustee
115 S Union Street

¹ **Local RULE 9010-1 REPRESENTATION AND APPEARANCES; POWERS OF ATTORNEY**

Requirement for Counsel: Except for filing or withdrawing a proof of claim, notice of mortgage payment change, notice of postpetition mortgage fees, expenses, and charges, response to a notice of final cure payment, request for notices or notice/service, notice of appearance, reaffirmation agreement, creditor change of address, transfer of claim or a transcript of court proceedings, no party or entity other than a natural person acting in his or her own behalf or, to the extent permitted by §304(g) of Pub.L. 103-394, a child support enforcement agency, may appear in a bankruptcy case or proceeding, sign pleadings, or perform any act constituting the practice of law except by counsel permitted to appear under LBR 2090-1. This Local Bankruptcy Rule applies to corporations, partnerships, limited liability companies, associations, and trusts, as well as to individuals acting in a representative capacity (such as under a power of attorney) for another. Any petition, pleading or paper, other than those set forth in this Local Bankruptcy Rule, filed on behalf of an entity that is not a natural person acting in his or her own behalf and not signed by counsel permitted to appear under LBR 2090-1 shall be stricken by the Clerk, or in the case of a petition, dismissed, unless the deficiency is cured within 14 days of the mailing or delivery of a notice of deficiency.

Alexandria, VA 22314
(703) 557-7229

Certificate of Service

I hereby certify that on the 14th day of November, 2016, I mailed, first class, postage prepaid, a true copy of the motion and notice of motion to the Debtor at:

Champagne Services, LLC 1329 Shepard Drive, Suite 5 Sterling, VA 20164

/s/ Jack Frankel